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EX PARTE OR LATE FILED

May 6, 1993

Ms. Donna R. Searcy, Secretary
Federal Communications Commission
1919 M Street, N.W.--Room 222
Washington, D.C. 20554

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MAY - 6 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: CC Docket No. 92-77
Billed Party Preference
Phase II Proceeding

Dear Ms. Searcy:

Enclosed for filing on behalf of Citizens United for Rehabilitation of Errants ("C.U.R.E.") are an original and nine (9) copies of C.U.R.E.'s Comments in the above-referenced Phase II proceeding.

Also enclosed are an original and nine (9) copies of C.U.R.E.'s Petition seeking leave to accept its late-filed Comments.

Please distribute a personal copy of the Comments and the Petition to each Commissioner as provided for in §1.419 of the Commission's Rules.

I would be happy to respond to any questions you may have regarding this matter.

Sincerely,

Christopher A. Holt

Christopher A. Holt, Esq.
Counsel for Citizens United
for Rehabilitation of Errants

CAH:js
Enclosures

cc: Mark Nadel, Esq.

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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MAY - 6 1992

In the Matter of)

Billed Party Preference)
for 0+ InterLATA Calls)

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY
92-77
CC Docket No. 92-77

TO: The Commission

**PETITION FOR LEAVE TO
ACCEPT LATE-FILED COMMENTS**

Citizens United for Rehabilitation of Errants ("C.U.R.E."), by its attorneys and pursuant to Sections 1.415(d) and 1.46(b) of the Commission's Rules, hereby requests the acceptance of the attached late-filed Comments in the above-captioned proceeding.^{1/} In support whereof, C.U.R.E. respectfully states as follows:

1. C.U.R.E. is a national non-profit organization dedicated to promoting the reduction of crime and the rehabilitation of offenders through reform of the criminal justice system. Its members include current and former offenders, their families and friends, religious and community leaders, politicians, affiliated non-profit and charitable

^{1/} Notice of Proposed Rulemaking ("NPRM"), 7 FCC Rcd 3027 (1992).

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organizations, and other supporters from around the country who have joined together for the purpose of articulating the needs and concerns of those who otherwise would not have a voice.

2. As explained more fully in the attached Comments, the Commission's proposal to adopt a Billed Party Preference ("BPP") routing scheme for 0+ interLATA traffic would benefit a substantial segment of C.U.R.E.'s membership by helping to reduce the financial burdens associated with the receipt of collect calls placed from inmate-only prison telephones. Likewise, BPP would encourage the provision of better services to the recipients of such calls. These benefits would, in turn, serve the public interest by facilitating family and community ties that have a demonstrable effect in decreasing recidivism, preserving the family unit, fostering prison discipline and promoting the rehabilitative process.

3. At the time when Comments and Reply Comments were due to be filed in this proceeding (July 7, 1992, and August 6, 1992, respectively), C.U.R.E. was not represented by FCC counsel and was unaware of the BPP proposal advanced in the Commission's NPRM. Upon securing FCC counsel to determine whether action could be initiated to help reduce the substantial costs associated with prison telephone calls, C.U.R.E. discovered the existence of this rulemaking and thereafter proceeded diligently to prepare and file these Comments so that the Commission would

be afforded C.U.R.E.'s unique perspective regarding the benefits that BPP would provide to its members and the public in general.

4. This proceeding is still open, and the Commission's decision on BPP has not yet been completed. No significant delay will result from Commission consideration of C.U.R.E.'s Comments. Accepting these Comments would serve the public interest by permitting the Commission to conduct a more informed analysis concerning the merits of its proposed BPP scheme. The Comments demonstrate not only that the arguments made by correctional facility commentators against BPP are entirely without merit, but also that substantial public benefits are likely to flow from adoption of the Commission's proposal.

5. The recipients of collect calls from inmate-only prison telephones are consumers who deserve to be treated no less favorably than end-users who receive and pay for collect calls from public payphones. The attached Comments demonstrate this fact and explain why the Commission's BPP proposal should be adopted without an exception for inmate-only prison telephones.

Accordingly, for the foregoing reasons, C.U.R.E. respectfully requests that these Comments be accepted late and

collect calls from inmate-only prison telephones to select the long distance carriers of their choice.

Respectfully submitted,

CITIZENS UNITED FOR REHABILITATION
OF ERRANTS

By: Eugene F. Mullin
Eugene F. Mullin, Esq.

By: Christopher A. Holt
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Its Counsel

May 6, 1993